

MEDIA POLICY IN THE CONTEXT OF GLOBAL MEDIA FLOWS, THE INTERNET, AND PIRACY: AN HISTORICAL ANALYSIS OF MEDIA REGULATION IN INDONESIA

YEARRY PANJI SETIANTO
OHIO UNIVERSITY / SULTAN AGENG TIRTAYASA UNIVERSITY

Abstract

Television has been considered one of the most popular media in Indonesia with national television programs as the most dominant for local audiences. Even though imported programs also have been introduced from the early periods of national broadcasting, media regulations in this country tend to limit foreign contents so it does not exceed national contents. However, in recent years national television's popularity is being challenged not only by global media contents but also by the presence newer media platforms like the Internet. In addition, global media contents are also becoming available through pirated media, such as via VCD, DVD, MP3, and P2P, which are easy to access in many Asian countries due to ineffective regulations against piracy. This study proposes a research question: what are the current media regulations in Indonesia in the discourse of global flows of media contents through the Internet and piracy media? The data gathered mainly from academic literatures, news articles, legislation documents, and online media obtained from *Lexis Nexis Academic* database. The study found that since media regulations in Indonesia mainly focus only in print media and broadcasting, there are few regulations that discuss the threat of global media contents that are mainly accessed through newer media such as the Internet and pirate media outlets. Additionally, lack of socialization of intellectual property rights remains as one of the biggest factors that made any regulations ineffective to overcome media piracy.

Keywords: *media policy, global media, the Internet, media piracy, Indonesia*

DASAR MEDIA DALAM KONTEKS ALIRAN MEDIA GLOBAL, INTERNET DAN CETAK ROMPAK: ANALISIS SEJARAH DAN UNDANG- UNDANG MEDIA DI INDONESIA

Abstrak

Televisyen telah dianggap sebagai salah satu media yang paling popular di Indonesia dengan program-program televisyen nasional sebagai yang paling dominan dikalangan penonton tempatan. Walaupun program yang diimport juga telah diperkenalkan semenjak dari tempoh awal penyiaran negara, undang-undang media di dalam negara cenderung untuk menghadkan kandungan media dari negara asing agar tidak melebihi kandungan media yang dihasilkan didalam negara. Walau bagaimanapun, dalam beberapa tahun kebelakangan ini, populariti televisyen nasional telah dicabar bukan sahaja oleh kandungan media global tetapi juga dengan kehadiran platform media yang baru seperti Internet. Kandungan media global juga menjadi boleh didapati melalui media cetak rompak, iaitu melalui VCD, DVD, MP3, dan P2P, yang mudah diakses di kebanyakan negara Asia oleh kerana undang-undang yang ditetapkan tidak membawa kesan terhadap aktiviti cetak rompak. Kajian ini mencadangkan satu soalan: apakah undang-undang media yang terkini di Indonesia berkenaan wacana aliran kandungan media global melalui Internet dan media cetak rompak? Data untuk kajian ini telah diperolehi terutamanya daripada kesusasteraan akademik, artikel berita dan dokumen undang-undang. Data juga diperolehi melalui media atas talian terutama sekali melalui pangkalan data Lexis Nexis Academic. Kajian mendapati bahawa, oleh kerana undang-undang media di Indonesia hanya memberi perhatian terhadap media cetak dan penyiaran, hanya terdapat beberapa undang-undang yang membincangkan ancaman kandungan media global, terutama sekali kandungan yang diakses melalui media baru seperti Internet dan laman media cetak rompak. Selain daripada itu, kekurangan sosialisasi terhadap hak harta intelek, telah menjadi salah satu faktor terbesar yang telah menyebabkan undang-undang media menjadi tidak berkesan dalam memerangi media cetak rompak.

Kata kunci: *Dasar media, media global, Internet, media rompak, Indonesia*

INTRODUCTION

One of the biggest challenges in media regulation is how to keep pace with the new technological developments. Regulation should not only cover the preexisting media practice but also needs to be concerned with the newest forms of media technology such as the Internet (Mansell, 2011). In order to be able to cope with this complicated matter, any media regulation should remain open to current changes in both the sociocultural and technological environments. Moreover, it is argued that our media practice is becoming global where the multidirectional flows of transnational media contents are relevant and evident in our daily life. In this sense, global media is seen as another challenge in how the media should be regulated. Ironically, audiences can easily access these ‘foreign’ media contents, and even circulate the content, through informal and pirated media due to ineffective government regulations (Meng, 2012). However, not every country is considering the importance of this issue. These problems are more salient in developing countries such as in Southeast Asia particularly Indonesia.

Using the example of Indonesia, even though this Southeast Asian country has enjoyed a massive explosion of new players in its media industry following the end of its authoritarian regime, Indonesia is still struggling with how to regulate the media. According to Woodier (2008), various attempts to politically control the media are still significant. This fact shows that in developing countries like Indonesia, media regulation is mostly seen as a tool to maintain political power rather than to create a dynamic media environment that could follow the trends of globalization in today’s era of the Internet. The Indonesia government through its Ministry of Communication and Information (Kominfo) has been struggling with these new changes in the nation’s communication environment. Despite its initial purpose to preserve national values and identities, the government’s policy on media practice remains highly political (Kitley, 2000). As a result, media regulation in this country becomes a discourse of political powers with various competing interests that involve media owners, politicians, legislators, civil movements and also academia.

As argued by McQuail (1992), in order to discuss media policy we need to involve political and cultural dimensions in our analysis. Therefore, this study attempts to discuss the discourse of media policy in Indonesia in the context of global flows of media contents, pirated media, and also how the regulation reacts to the newest media technology such as the Internet. Political and cultural dimensions will also be highlighted within the discussion. This topic is considered

as significant mainly due to lack of research in this area especially in the case of Indonesia. This issue also will have a huge impact on the media practice, in terms of how to overcome media piracy, and how the society has access to the global media sources. Building on these assumptions, this study seeks to explain the current media regulations in Indonesia in the discourse of transnational flows of media contents through the Internet and piracy media. Furthermore, this study aims at providing a historical analysis based on secondary data, such as academic journals, news articles, and legislation documents. These data were collected through *Lexis Nexis Academics*.

WHY MEDIA POLICY RESEARCH MATTERS?

There is no single consensus among scholars in defining the concept of media policy. This fact is mainly caused by various approaches used by many researchers in discussing the media policy field. As a result, different scholars have developed their own definition of media policy. For example, Arbatani, Labafi, and Khajeheian (2012) using media management approach define media policy as, “compiling the major and strategic policies toward media, in consideration to media climate and public situation, so that offers a clear direction for media management activities to reach the mission and the goals” (p. 938). They highlighted that media policy is a strategic action and in a broad sense that this policy is not limited to only certain types of platform but media in general. This definition will help to encourage a wider discussion about recent situations where traditional media policies are being challenged by a more complex media technology environment such as the Internet that allows new forms and sources of media contents (Napoli, 2007). Additionally, Verhulst (1999) argued that media convergence created by the new media technology not only influences the transmission mode of media contents but also has a significant effect on how the media industry should be regulated.

The relationship between government and media policy is also seen as an important factor in how we define this complicated concept. According to Ward (2008) media policy cannot be placed in a vacuum environment since it in fact operates in a political and historical context. In this sense, he is arguing that government and its political power will always influence the media policy. In addition, government also has the social responsibility to regulate and control the media industry in order to maintain the media market, media diversity, and also media quality that are necessary for the public good (Graham, 1992).

Even though the government’s involvement in regulating the media is evident in Western countries (Blidook, 2009; Schumacher, 2003), a more complex situation is happening in developing countries such as in Southeast Asia (Mendel, 2010). Due to its national political unrest and heterogeneous cultural society, many scholars attempted to examine how the political and cultural contexts contribute to how government regulates the media. In the case of Indonesia, Woodier (2008) explores how development of media in this country reflects the ongoing attempt

from authorities to use the media as a political instrument. Previously, McDaniel (2002) also explained how national development, government's involvement, and technological changes are common features that influence media regulation in this region. His discussion is still relevant up until today but more updated data concerning media policy in Indonesia is considered to be important. Further studies in Indonesian media policy also show similar results, which identified how political interests are still the main influences in developing media policy (e.g., Kitley, 2008; Wahyuni, 2006).

However, one of the main concerns about these previous studies is that they were rarely able to place the discussion into a current global context. Despite the fact that today many audiences in Indonesia can easily consume global media contents from around the world, previous studies on media policy in Indonesia made little connection to this problem. Meanwhile, there is also a positive trend of research on media policy in the transnational and global media environment (Iosifidis, 2011; Winseck, 2002). Although it is true that some countries are restricting the imported media contents mainly due to protective policies related to preserving and protecting domestic cultural values (Napoli, 2007), a further study about how media policy connects to the global flows of media contents is still needed. To have a broader perspective on how media regulation operates in global flows of media should help us to understand not only the current condition of media practice in this context but also will help the process of regulating the media in Indonesia.

Additionally, the practice of transnational and global media consumption in the context of an Asian country such as Indonesia should be seen as closely tied with piracy practices. There were several studies that showed that pirated media contents from foreign countries were not difficult to obtain and usually are sold at an inexpensive price (Baumgärtel, 2007; Jang, Kwak & Lee, 2012; Walls & Harvey, 2010). In spite of these current studies on media piracy practices, there is a lack of research that encompasses media policy with the latest modes of digital piracy in Indonesia such as through DVDs, MP3, peer-to-peer sharing, and the Internet. As a result, to involve the piracy issue within this study will help to portray a more accurate and recent view of media policy in Indonesia, both in the global flows of media contents and also in the context of new technological media environment.

INDONESIAN MEDIA LANDSCAPE: HISTORICAL OVERVIEW

Historically, media in Indonesia has been introduced since the colonial era when this country was still named as Dutch East Indies. *Retnodhoemilah* was recalled as one of the earliest newspapers in Indonesia using Malay and Javanese languages, published between 1895 and 1909 (Hagen, 1997). Anderson (2006) argued that media is strongly related to building the sense of nation in Indonesia. Therefore, mass media is also considered to be a significant factor as a tool

against the colonial oppression at that time to pursue independence.

Similarly, Indonesian broadcasting especially radio has been introduced since the colonial era. Radio then became a revolutionary media to fight for independence from the Dutch and Japanese colonial regimes. After the independence, the biggest radio at that time, *Radio Republik Indonesia* (RRI) turned into a tool for government's propaganda under the Ministry of Information in April 1, 1946 (McDaniel, 1994). Sukarno, Indonesia's first president was fully aware about the importance of this media due to its ability to transmit nationalism messages to a wide audience around the nation since at this period the country was still fighting a war with the Dutch military forces that attempted to re-colonize Indonesia, amidst political instability, and also other separatism movements (Armando, 2000). Ever since, government's involvement in spreading the RRI stations through out the country as well as maintaining its content to follow the state's ideology called *Pancasila* remains visible. While commercial radios also were continuing to rise in popularity, the government was still placed the same control on radio contents. Up until 2010, there are at least 2,590 official radio stations in Indonesia, excluding the unofficial and digital radios ("Program Umum PRSSNI," 2011).

Meanwhile, television introduced by the government around August 1962 with an initial purpose to live broadcast the Asian Games that was being held in Jakarta during that time. Only after 11 October in the same year, a regular broadcast was aired by state-owned television *Televisi Republik Indonesia* (TVRI) and it has been active until today (Kitley, 2000). Under General Suharto, Indonesia's second president (1967-1998), TVRI has become a powerful media controlled by the government to promote the propaganda of '*pembangunan*' (building programs) and national unity discourse since it also was the only television station allowed to broadcast (d'Haenens, Gazali & Verelst, 1999). Atkins (2001) further explained, since TVRI was considered as the monopoly in national broadcasting, it has a responsibility to use the national language, Bahasa Indonesia with the population that is very diverse in cultural, religious, and linguistic aspects through TVRI's programs such as news, entertainment, and education and development programs.

Private television stations were given permission by the government to broadcast in the late of 1980s. Since TVRI as state-owned media was prohibited to be involved in commercial activities, the government decided to give a permission to establish the first commercial TV station, *Rajawali Citra Televisi Indonesia* (RCTI) in 1987 (d'Haenens, Gazali & Verelst, 1999). In the following years, several new stations such as *Surya Citra Televisi* (SCTV), *Televisi Pendidikan Indonesia* (TPI), *Anteve*, and *Indosiar* also entered television industry in Indonesia. However, President Suharto's children owned almost all of these private television stations. This fact made the government's control of the media ownership and contents remain strong. However, the growth of commercial television channels was inevitable after that period.

Armando (2011) discussed one of the main reasons why President Suharto at that time gave the permission to develop commercial television such as RCTI was to prevent Indonesian audience from viewing foreign broadcasting. He quoted a statement from Ishadi, Director of TVRI during that time that explained around 1988 Indonesian audiences such as in Medan could easily receive broadcast signals from TV-3 Malaysia through an \$8 antenna. Armando also explained that the Minister of Information at that time, Harmoko mentioned that when Indonesian audiences were not satisfied with TVRI as the only television channel in the country they could switch to Malaysian or Philippine TV channels. This fact explains that since the early periods of broadcasting, Indonesian government has been concerned about the threat from foreign media contents.

The newest player in Indonesia's media landscape is the Internet. Historically, Hui (2010) explained that the Internet has been introduced in Indonesia since 1983 when the Department of Computer Science University of Indonesia connected to the UU Net in the United States. However, she also mentioned that it took 11 years for Indonesia to obtain its first permanent Internet connection in 1994 with non-commercial researchers as its predominant users at that time. Ever since, the growth of Internet penetration in public spaces such as the Internet cafes is getting significant. Recently, the Ministry of Communication and Information (Kominfo) claimed that the Internet would be accessible through all villages in Indonesia in 2015 (Wijaya, 2013).

Furthermore, Nugroho (2008) argued that the Internet is one of the most significant media that influence the civil society movement in Indonesia. Initially, the government wanted to use the Internet as a tool for national development but it turned out many activists were using the Internet to promote critics and oppositional movements toward the government (Sen & Hill, 2002). The main distinctive feature of the Internet was that it provided uncensored global information through out the society that can be used to oppose the government, which was undesirable by a dictator leader like Suharto (Hill & Sen, 2005). Even though Suharto was forced to step down in May 21, 1998, which ended the authoritarian regime in Indonesia, various attempts to control the Internet are still visible though several regulations mainly made by the Ministry of Communication and Information.

MEDIA REGULATION IN INDONESIA

The main distinctive feature of media regulation in Indonesia is that in both the Soekarno and Soeharto regimes, the state had the control over ownership and the media contents. This fact was evident in one of the most influential broadcasting media after the independence, RRI. McDaniel (1994) mentioned that this state-owned radio already had at least twenty-nine local stations around Indonesia and reached no less than a million licensed radios during the establishment of the New Order around 1966. Therefore, RRI has become an effective tool for the government to promote propaganda and all contents broadcasted by RRI were

automatically censored by the officials.

Sen and Hill (2002) discussed the regulations for private radio during the New Order. Around 1970s, President Suharto legalized private radio stations but with certain conditions. First, they must relay RRI newscasts. Second, these radio transmissions are restricted to certain areas in order to make it more localized. Another attempt from Suharto to control the private radios was to maintain it as an apolitical medium where they were not allowed to broadcast political issues. Therefore, these non-government radios merely functioned as entertainment medium. In addition, *Peraturan Pemerintah* (Government Regulation) No. 55 on Non-Government Radio Broadcasting also mentioned that while private radio should not be owned or sponsored by foreigners, the owner also should never have been involved in any mass organization nor in any political parties especially the Indonesian Communist Party (PKI). In addition, the military was also using Command for Restoration of Security and Order (KOP-KAMTIB) to make sure broadcasting materials did not endanger social and public order (Sen & Hill, 2002).

In the following year, the government began to regulate the radio broadcast for not exceeding 100 km for FM and 400 km for AM radio via 1971 Directive of the Communication Minister (Sen & Hill, 2002). This law was part of the government's attempt to make the radio mainly as a local broadcast that should serve its local interests. Even though radio stations need to reflect national values along with the obligation to relay RRI's national news from Jakarta, local languages were permitted to be used by the radio programs. Moreover, local authorities were responsible to monitor radio programs within their region for unwanted materials. These local officials were responsible to monitor any radio that broke the regulation and also to revoke the radio station's license.

Another form of control by the government to monitor private radio programs was through a radio industry association called the Indonesian Private Commercial Radio Broadcasters Association (*Persatuan Radio Siaran Swasta Nasional Indonesia*, PRSSNI). Founded in 1974 by 173 private radio stations from 34 cities, this association was embraced by the Ministry of Information to assist government's supervision and surveillance of radio programs in the nation. In addition, Suharto's daughter, Siti Hardiyanti Rukmana also was elected as the head of PRSSNI from 1989 to 1998 (Sen & Hill, 2000). Therefore, government did not have to fully supervise all the private radio stations around the country since this association created a self-censorship within the broadcasters itself.

Sukarno did not really benefit from the role of television despite his involvement in introducing the first television station, TVRI to broadcast in Indonesia. After being overthrown by Suharto, the president's role as the head of the country became fully in control of all media channels in the nation, including the TVRI. Since the government owned the TVRI, there was practically no need for any explicit regulation to control how TVRI should broadcast its programs. Suharto could interfere anytime he wanted for any decision related to TVRI management

and its contents. For example, he suddenly decided to prohibit TVRI to gain revenues from advertisement even though at that time TVRI had been helped by advertisement due to limited funding from the government (Armando, 2011). In addition, the role of the Department of Information also was significant in monitoring broadcast media such as TVRI on behalf of the president. The Minister of Information, Harmoko who held this position from 1983-1997 often cited '*atas petunjuk bapak presiden* (on behalf of the president's guidance)' when he made any decisions concerning communication regulation.

A more complex situation happened when commercial television stations went on air in the late 1980s. These early private television stations were owned by Suharto's family or his business partners. As a result, Suharto could use a personal approach to dictate these channels. However, d'Haenens, Ghazali and Verelst (1999) explained that when these stations were becoming more popular, there was a need for a suitable regulation to cover a more complicated broadcasting environment at that time. As a result, Suharto signed the Broadcasting Bill in October 1997 (Sudibyo, 2004). This regulation covered several important clauses in broadcasting such as prohibition for monopoly practice and foreign ownership, private stations were allowed to broadcast their own newscast, and also about license renewal. They further argued that the government began to be less restrictive of the broadcasting practice in Indonesia even though the censorship was still visible at that time.

After Suharto's resignation in 1998, the broadcasting environment began to change alongside the political situation. In a relatively democratic political system during the *Reformasi* (reformation) Era, there were several attempts to revise the broadcasting regulation. Wahyuni (2006) mentioned that there were several actors such as policy makers, players and stakeholders of broadcasting industry, as well as civil society organizations that contributed to the drafting of new broadcasting laws between 1998-2002. Afterwards, the Broadcasting Act of 2002 was passed by the House of Representative despite President Megawati refusal to sign the bill. The main feature of this Broadcasting Act was it introduced Indonesian Broadcasting Commission (*Komisi Penyiaran Indonesia*, KPI) as an independent government's body to regulate broadcasting practice. This fact shows that government's involvement in monitoring the broadcasting was reduced since its authority was placed under KPI's domain. However, in the present day, the role of KPI has been curtailed by the Ministry of Communication and Information. As a result, KPI now only has a limited power to regulate broadcasting in Indonesia (Kitley, 2008).

The early introduction of the Internet in Indonesia was limited to non-commercial research purposes and hobbies, which created little concern of the government to control this medium. Lim (2005) argued that the development of the Internet in Indonesia was mainly encouraged by non-state and private sectors. Consequently, at first, government's involvement in regulating the Internet was insignificant. One of the most important efforts to promote Internet development

in Indonesia came from the Association of Indonesian Internet Service Providers (APJII) whose primary aim was to cooperate with government policy-makers in creating a healthy environment for Internet industry in Indonesia ("The Internet in Indonesia," 2007).

In 2008, the legislative passed the Information and Electronic Transaction Act, which was considered as the first serious attempt from the government to regulate various aspects within the Internet activity in Indonesia. The primary feature of this Act is the legalization of digital transactions in the Internet. In addition, this Act also prohibits several cyber activities that involve immorality, gambling, libel, threat, and also illegal access. In a further attempt, the Ministry of Communication and Information also declared to fight against pornographic online distribution and Indonesian websites that were affiliated with terrorist acts. Minister Tifatul Sembiring claimed that the ministry has already blocked one million porn sites with around 100 websites being blocked each day. However, websites with .com domain cannot be blocked since Indonesian government only has the capacity to supervise websites with .co.id domain ("Kominfo Telah," 2012). In addition, the ministry also closed 300 radical websites that are related to terrorism acts and promoting hate speech (Lamb, 2013).

MEDIA PIRACY AND THE INTRUSION OF GLOBAL MEDIA CONTENTS

Penetration of global media contents has been visible since the beginning of the early introduction of broadcast media in Indonesia. Various efforts also have been made by the government through media regulations to prevent foreign media penetration that can be seen as a threat to local values and national unity. These regulations toward global media intrusion differ depending on its sociopolitical condition. Therefore, the purpose of prohibiting penetration of foreign media is also varied. However, Indonesian audiences could always find alternatives to access global media contents, which is often through the pirate media.

In the Sukarno era, he ordered the media in general not to disseminate global media contents, especially those coming from Western media. He was afraid that Western media contents would bring Western culture that might not be suitable for Indonesian society (Sen & Hill, 2000). Some scholars argued that Sukarno's attitude toward Western media was mainly influenced by Indonesia's political affiliation with the Soviet Union and China, whose national system was based on communism. As a result, young audiences tended to listen to foreign music through foreign radio that came from Malaysia and Australia. Pirated cassettes and vinyl were also an alternative for the audiences to access Western music during the foreign media prohibition at that time.

Meanwhile, in Suharto's era the government was more open to global media penetration through broadcast media even though he still emphasized giving priority to national values and local cultures. For example, in its early period TVRI broadcast foreign television programs as well as Western movies, which

were almost 30% of TVRI's total airtime. Kitley (2000) even quoted Indonesian media headline that mentioned TVRI at that time to be "not enough Indonesia" (p. 44). This trend was still happening when private television stations were introduced. For instance, RCTI was even called *Rajawali Citra Televisi Impor* (imports) since the majority of its programs were foreign materials. Even though there are growing numbers of self-produced national programs in Indonesian television, some of commercial stations are still relying on global media contents such as Western talent shows, *telenovela*, Korean drama and Japanese anime.

To be fair, not only the presence of global media content that was being controlled by Suharto's government, but also the local content. However, the government at that time was being more sensitive to journalism product and not so much with entertainment content. Presumably, news was seen as a bigger threat and needed to be restricted compared to entertainment broadcast materials. The increasing penetration of global media corporation in Asia at that time, attempted to reach a wider audience in this region was also caught Suharto's attention. He thought that these foreign media content as, "having a narrow audience and thought it was of little threat to the status quo" (Woodier, 2006, p. 56), thus encouraged him to further welcome imported content. Moreover, Woodier also argued that the presence of global media content in Indonesia would be seen as a symbol of the modernization of the country.

Introduction of satellite dishes was also considered as an attempt for Indonesian audiences to get access to global media. Furthermore, the Palapa satellite then owned by Indonesian government helped to spread the TVRI signals around the country, also could receive Thai, Malaysia, the Philippines, Singapore, Taiwan, and even Australia and the United States television programs (Kitley, 2000). McDaniel (2002) also added that policy-makers had given attention to the fact that these foreign television programs then can be accessed even by those who live in rural areas. However, the Ministry of Information stated that the satellite dishes were not a threat since the audiences can chose what they want to watch and it would not jeopardize national security (Kitley, 2000). The government only became more concern about the intrusion of foreign media content especially when, "the unfiltered 'foreign' services were in the living rooms and village halls of their citizens in the early 1990s" (Atkins, 2001, p. 35). However, this was seen as a little bit too late since the global media content entered the country's media system anyway, mainly due to the introduction of newer media platforms.

In the post-Suharto era, there is an increase of the pirated media, which also was used as another way of accessing global media contents. The International Intellectual Property Alliance mentioned that at least 92% of films and 80% of music recording sold in Indonesia were pirated (Butt & Lindsey, 2005). In the case of pirated movies, most of them were Hollywood films with some titles not even screened on the movie theaters. When Hollywood movies were banned in Indonesian cinemas around 2011, the audiences moved to pirated DVDs in order to be able to watch the newest box office movies ("DVD Bajakan," 2011).

The Indonesian government already had Copyright Act No. 19 2002 that can be used to prosecute copyright violators. Unfortunately, various factors such as inconsistent law enforcement, and the lack of copyright awareness within the society have made this regulation ineffective.

Recently, the Internet is also being used to practice piracy especially related to music and films. The growth of Internet access within the region has made everyone easily able to download digital files of music and movies. By simply searching on Google with keywords such as 'download film gratis' (free movie download), various Indonesian websites will show up and offer access to these pirated media contents. Furthermore, the usage of BitTorrent also allows the Internet user to have a free access to download pirated media files. Meanwhile, in the case of illegal music download sites, Kominfo has blocked several websites using Information and Electronic Transaction (ITE) Act 2008 Chapter 25 as its legal basis (Wicaksono, 2012). In addition to ITE Act, the Telecommunication Act of 1999 and Pornography Act of 2008 were also being used by Kominfo to shut down illegal websites that provide pornographic material including pirated porn movies. This action was also encouraged by Indonesian Ulama Council (MUI) along with various NGOs (Firman & Chandartaruna, 2010). However, there were no additional efforts from the government that could significantly erase the practice of media piracy.

Since the Internet access continues to grow, the penetration of global media contents are getting difficult to be regulated by the government. Moreover, the Internet also contributes to illegal access of both national and transnational media contents, which were previously accessed through pirated media such as VCDs and DVDs. This complicated phenomena has never been handled seriously by the policy-makers in Indonesia mostly due to lack of awareness of the rapid changes of global communication environments that influence the media practice in Indonesia. Moreover, the national-based specific media regulation is argued as insufficient to cope with this phenomenon where the multi-directionality of communication flows met with various transnational agencies, which allows the Indonesian audiences to choose whichever media contents they want from around the world.

In order to cope with this latest trend, Indonesian government introduced a new law concerning the copyright infringement in the digital age. Using the Copyright Law of 2014, the government could protect the copyright ownership, including digital media content. This new law also was also targeting the illegal circulation of media content, both local and global media. Moreover, Vice President Jusuf Kalla argued that through this regulation, the law enforcement processes would be encouraged to fight the tech-savvy media piracy by a technology-driven policy ("Pembajakan Film," 2015). The problem is, even though the government through Kominfo has already have the power to block the website accused for violating copyright infringement, they have to wait for media users to report about the violation before they can do any further action

(Priherdityo, 2015). Unfortunately, it was very rare to find a report from the public about media piracy. It is expected that in 2016 the government, collaborated with local internet service providers, will be able to implement its newest strategy in using an alert system that gives a pop-up warning (mentioning the penalty for copyright infringement) if someone attempts to download illegal media content (Bohang, 2015). This might be one of the most visible strategies offered by Indonesian government in its effort to prevent further media piracy in the online environment.

CONCLUSION

In the past, media regulation in Southeast Asian countries such as Indonesia was highly influenced by political conditions. Government's involvement in controlling the media happened though direct intervention by the president and other state apparatus such as the Department of Information. This study also found several media regulations that stated about the prohibition of foreign media contents even though the media became more open to importation of broadcasting programs from other countries. Indonesian audiences also found other ways to access global media mainly through pirated media such as VCDs, DVDs, and the more recently via the Internet. The Copyright Act of 2002 was seen as ineffective to eliminate the media piracy especially if happening within cyberspace. In a more democratic environment in present days, the Indonesian government does not consider global media contents as a threat for national values and security. Government's media policy in regulating the Internet mainly focuses on shutting down pornographic and terrorist-related websites. Overall, this fact shows that the Internet is considered as less controlled by the government despite the growing attention to this medium.

Finally, this study is only limited to discuss media regulation in the context of global media, piracy, and also the Internet in an historical perspective, which heavily relied on literature research. A complex relationship between newer media environment (e.g., the increasing popularity of social media and smart phones) and contemporary political condition of the country should also be considered as an interesting venue to be explored by another study. Further study with an emphasis on direct observation and in-depth interviews with policy-makers, media owners, media practitioners, and also the audience is considered as equally important. Thus, a more comprehensive research about media regulation in Indonesia should also involve a wider coverage. Furthermore, a transnational approach to discuss media regulation in global media environment is also encouraged.

ABOUT THE AUTHOR

Yearry Panji Setianto, Ph.D. candidate at School of Media Arts & Studies Ohio University and Fulbright Fellow from Indonesia. His research interests include

transnational flow of Asian media, diaspora and mediatization of politics. Correspondence concerning this article should be addressed to Yearry Panji Setianto, Communication Science Department, Faculty of Social and Political Sciences, Sultan Ageng Tirtayasa University, Jalan Raya Jakarta KM. 04, Serang, Banten, Indonesia 42118. Email: [**yearry.panji@gmail.com**](mailto:yearry.panji@gmail.com)

REFERENCES

- Anderson, B. (2006). *Imagined communities: Reflections on the origin and spread of nationalism*. London; New York: Verso.
- Arbatani, T. R., Labafi, S. & Khajeheian, D. (2012). Conceptualizing media policy: The factors, process and venue. *Interdisciplinary Journal of Contemporary Research in Business*, 4(5), 936-947.
- Armando, A. (2011). *Televisi Jakarta di atas Indonesia (Jakarta's television above Indonesia)*. Bandung: Penerbit Bentang.
- Atkins, W. (2001). *The politics of Southeast Asia's new media*. London: Curzon.
- Baumgärtel, T. (2007). The social significance and consequences of digital piracy in Southeast Asia: The case of independent filmmakers. *Philippine Sociological Review*, 55(1-4), 50-63.
- Blidook, K. (2009). Choice and Content: Media Ownership and Democratic Ideals in Canada. *Canadian Political Science Review*, 3(2), 52-69.
- Bohang, F. K. (2015, September 15). Januari 2016, pemerintah aktifkan sistem pengawasan pembajakan online (January 2016, government will activate surveillance system for online piracy). *Kompas*. Retrieved from <http://tekno.kompas.com/read/2015/09/09/15224767/januari.2016.pemerintah.aktifkan.sistem.pengawas.pembajakan.online>
- d'Haenens, L., Gazali, E. & Verelst, C. (1999). Indonesian television news-making before and after Soeharto. *Gazette*, 61(2), 127-152.
- DVD bajakan film box office laris (Pirated DVDs box office movies selling well). (2011, July 6). *Gatra*. Retrieved from <http://www.gatra.com/entertainmen/film-1/518-dvd-bajakan-film-box-office-laris.html>
- Graham, N. (1992). *Capitalism and communications*. London: Sage.
- Hagen, J. M. (1997). "Read all about it": The press and the rise of national consciousness in early twentieth-century Dutch East Indies society. *Anthopological Quarterly*, 70(3), 107-126.
- Hill, D. T & Sen, K. (2005). *The internet in Indonesia's new democracy*. London; New York: Routledge.
- Hui, J. Y. (2010). The internet in Indonesia: Development and impact of radical websites, *Studies in Conflict and Terrorism*, 33(2), 171-191.
- Iosifidis, P. (2011). *Global media and communication policy*. New York: Palgrave Macmillan.
- Jang, B., Kwak, J. H. & Lee, B. G. (2012). Empirical analysis of factors influencing costumer behaviors in movie media selection: Shifting demand on for online movie piracy to legitimate online media. *International Journal of Multimedia and Ubiquitous Engineering*, 7(3), 113-122.
- Jirattikorn, A. (2008). "Pirated" transnational broadcasting: The consumption of Thai soap operas among Shan communities in Burma. *Journal of Social Issues in Southeast Asia*, 23(1), 30-62.

- Kitley, P. (2000). *Television, nation and culture in Indonesia*. Athens, Ohio: Ohio University Press.
- Kitley, P. (2008). In court with the Indonesian broadcasting commission: Old battles and new identities in the context of reform. *The Pacific Review*, 21(3), 351-367.
- Lim, M. (2005). *Archipelago online: The internet and political activism in Indonesia*. Unpublished Doctoral Dissertation. University of Twente, Twente. Retrieved from http://doc.utwente.nl/50787/1/Lim_thesis.pdf
- Mansell, R. (2011). New visions, old practices: Policy and regulation in the Internet era. *Continuum: Journal of Media & Cultural Studies*, 25(1), 19-32.
- Mendel, T. (2010). Audiovisual media policy, regulation and independence in Southeast Asia. *Open Society Foundations Reports*. Retrieved from <https://www.opensocietyfoundations.org/sites/default/files/audiovisual-policy-20100212.pdf>
- Meng, B. (2012). Undetermined globalization: Media consumption via P2P networks. *International Journal of Communication*, 6, 467-483.
- McDaniel, D. O. (1994). *Broadcasting in the Malay world: Radio, television, and video in Brunei, Indonesia, Malaysia, and Singapore*. Norwood, NJ: Ablex Pub.
- McDaniel, D. O. (2002). *Electronic tigers of Souteast Asia: The politics of media, technology and national development*. Ames: Iowa State University Press.
- McQuail, D. (1992). *Media performance: Mass communication and the public interest*. Newbury Park, CA: Sage.
- Napoli, P. (2007). Media policy: An overview of the field. *McGannon Center Working Paper Series*. Paper 20. Retrieved from http://fordham.bepress.com/mcgannon_working_papers/20/
- Nugroho, Y. (2008). Adopting technology, transforming society: The internet and the reshaping of civil society activism in Indonesia. *International Journal of Emerging Technologies and Society*, 6(2), 77-105.
- Pembajakan film makin mudah, pemerintah intensifkan UU HAKI (Film piracy becoming easy, the government intensifies the copyrights law). (2015, May 7). *Tempo.co*. Retrieved from <http://seleb.tempo.co/read/news/2015/05/07/111664203/pembajakan-film-makin-mudah-pemerintah-intensifkan-uu-haki>
- Persatuan Radio Siaran Swasta Nasional Indonesia (2011). Program umum PRSSNI periode 2011-2015. Retrieved from <http://www.radioprssni.com/prssnnew/internallink/Program%20Umum%20PRSSNI%202011.pdf>
- Priherdityo, E. (2015, May 6). Pemerintah belum punya strategi perang pembajakan. *CNN Indonesia*. Retrieved from <http://www.cnnindonesia.com/hiburan/20150506192006-220-51670/pemerintah-belum-punya-strategi-perangi-pembajakan/>

- Kominfo telah blokir satu juta situs porno (Kominfo has blocked one million of porn websites). (2012, August 11). *Republika.co.id*. Retrieved from <http://www.republika.co.id/berita/trendtek/internet/12/08/11/m8l0yx-kominfo-telah-blokir-satu-juta-situs-porno>
- Schumacher, P. H. (2003). Fighting illegal internet content—may access providers required to ban foreign websites?: A recent German approach. *International Journal of Communications Law & Policy*, 8, 3.
- Sen, K. & Hill, D. T. (2002). *Media, culture, and politics in Indonesia*. Melbourne; Oxford: Oxford University Press.
- Sudibyo, A. (2004). *Ekonomi politik media penyiaran (Political economy of broadcasting media)*. Jakarta: LKIS.
- The Internet in Indonesia. (2007, February). *Apster*, 21. Retrieved from https://www.apnic.net/_data/assets/pdf_file/0010/27919/apster21-200702.pdf
- Wijaya, R. (2013, April 10). 2015, internet harus menjangkau seluruh desa (The internet should reach all villages in 2015). *Suara Merdeka.com*. Retrieved from <http://www.suaramerdeka.com/v1/index.php/read/news/2013/04/10/152459/2015-Internet-Harus-Menjangkau-Seluruh-Desa>
- Velhurst, S. G. (1999). Coping with the new communications environment: Are regulations still relevant? In V. Iyer (Ed.), *Media regulations for the new times*, (pp. 1-21). Singapore: Asian Media Information and Communication Center.
- Firman, M. & Chandartaruna, M. (2010, August 31). 10 LSM dukung menkominfo blokir situs porno (10 NGOs support Menkominfo block porn websites). *Viva News*. Retrieved from <http://us.teknologi.news.viva.co.id/news/read/174570-kemenkominfo-galang-dukungan-dari-10-lsm>
- Lamb, K. (2011, October 4). To fight extremist, Indonesia blocks radical web sites. *Voice of America*. Retrieved from <http://www.voanews.com/content/indonesia-ban-on-extremist-sites-131132003/146187.html>
- Wahyuni, H. I. (2006). Indonesian broadcasting policy: The limits of re-regulation to create a democratic broadcasting system. *Media Asia*, 33(3/4), 153-161
- Walls, W. D. & Harvey, P. J. (2010). DVD movie piracy in Hong Kong: Autopsy of a brock-and mortar market. *International Journal of Management*, 27(1), 31-36.
- Ward, D. (2008). *Television and public policy: Change and continuity in an era of global liberalization*. New York: Lawrence Erlbaum Associates.
- Wicaksono, A. (May 16, 2012). Kominfo blokir 20 situs download musik ilegal (Kominfo blocked 20 illegal downloading sites). *Kontan.co.id*. Retrieved from <http://industri.kontan.co.id/news/kominfo-blokir-20-situs-download-musik-ilegal>
- Winsek, D. (2002). The WTO, emerging policy regimes and the political economy of transnational communications. In M. Raboy (Ed.) *Global*

media policy in the new millennium (pp. 19-38). Luton, UK: University of Luton Press.

- Woodier, J. (2006). Perring in the Gyre: Indonesia, the globalised media and the 'war on terror.' In B. Cole (Ed.) *Conflict, terrorism and the media in Asia* (pp. 41-60). Abingdon, Oxon; New York: Routledge.
- Woodier, J. (2008). *The media and political change in Southeast Asia: Karaoke culture and the evolution of personality politics*. Cheltenham, UK, Northampton, MA: Edward Elgar.